IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 213 OF 2004

M/s Global Ceramics
Verna Industrial Estate,
Proprietorship, represented
by Proprietor Shri Prakash
Pandurang Amonkar ... Petitioner

versus

1. State of Goa
   Through Chief Secretary,
   Panaji, Goa.

2. Assistant Engineer,
   Office of the Assistant
   Engineer, Elect, O & M
   Sub-Division II (R)
   Electricity Department,
   Vasco-Da-Gama, Goa.

3. Executive Engineer,
   Electricity Department,
   Division XI, Vasco.

4. Chief Electrical Engineer,
   Government of Goa,
   Vidhyut Bhavan,
   3rd Floor, Panaji, Goa.

5. Joint Director of Accounts,
   Office of Chief Electrical
   Engineer, Elect. Department,
   Panaji, Goa. ... Respondents

Mr. S. S. Kantak, Advocate for the Petitioner.

Mr. A. N. S. Nadkarni, Advocate General with Mr. D. Lawande,
Additional Government Advocate for the Respondents.

CORAM : P. V. HARDAS &
D. G. KARNIK, JJ.

DATE : 6TH MAY, 2004.

ORAL JUDGMENT(PER P.V. HARDAS, J.)

Rule returnable forthwith. By consent of learned Counsel for the parties, Petition is taken up for final hearing.

2. The Petitioner has filed the Petition challenging the exhorbitant demand for electrical consumption. The contention being that since the Petitioner had raised a plea that the demand for electrical comsumption was not correct because of the faulty meter, the Respondents cannot raise the demand without referring the dispute to Electrical Inspector under Section 26(6) of the Indian Electricity Act, 1910.

3. Mr. A. N. S. Nadkarni, learned Advocate General for the Respondents states that the Respondents would not enforce the demand for payment of the electrical consumption charges till the dispute between the parties regarding whether the meter recording is faulty or not is decided by the Electrical Inspector.

4. In view of this, nothing survives in this Petition and accordingly the Petition is disposed of accepting the statement made by the learned Advocate General that till the time the Electrical Inspector decides the dispute regarding the demand for payment of electrical consumption charges, the demand would not be

enforced. We further direct that in the event, the report of the Electrical Inspector is adverse to the Petitioner, the demand would not be enforced for a period of fifteen days to enable the Petitionber to take appropriate steps.

5. Rule made absolute with no order as to costs.

P. V. HARDAS, J.

D. G. KARNIK, J.

RD.